

REMARKS

Claims 1-32 and 34-37 are pending as originally presented. By this Amendment, new claims 50-54 are added. No new matter will be incorporated into the present application by entry of this Amendment. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 06-1910.

The present Amendment is being filed with a view toward obtaining the allowance of claims at the earliest possible date.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-37, stated by the Examiner as being drawn to an insulation blanket; or
- II. Claims 38-49, stated by the Examiner as being drawn to an apparatus for making insulation blankets.

Applicants confirm that a provisional election was made without traverse to prosecute the invention of claims 1-37 and that claims 38-49 have been withdrawn.

The Examiner indicated that claims 25-31 are allowed. Applicants thank the Examiner for the allowance of these claims. Applicants also note that claims 28, 29, and 30 were incorrectly numbered as claims 26, 27, and 28. Applicants has corrected the numbering of these claims. Further, Applicants note as originally presented the claims did not include a claim 33. New independent claim 50 and dependent claim 51 have been added. New claims 50 and 51 contain all of the limitations of allowed independent claim 25 and are patentable for at least the same reasons as claim 25. New independent claim 52 and dependent claims 53 and 54 have been added. New claims 52 and 53 contain substantially all of the limitations of allowed claim 25 but are directed to an insulated structural component. New claims 54 contains recitation that the insulating material is selected from a group of materials. The are some but not all of the materials that are know to or that may be utilized by those skilled in the art. There is

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specification support for the new claims 50-54. New claims 50-54 are patentable for at least the same reason as claim 25.

The Examiner rejected claims 1-20, 22-24 and 32-38 under 35 U.S.C. §102(b) as being anticipated by each of Yates (U.S. 6,677,026), Ackley (U.S. 5,360,653), and Poirier (U.S. 4,275,473). Applicants note that claim 38 have already been withdrawn pursuant to the restriction requirement.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. V. Union Oil of California*, 914 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Pending original claims 1, 2 and 32 are independent claims. The remaining original claims subject to rejection under §102(b) are dependent claims. Applicants remarks in traverse of the rejection focus initially on the independent claims but are equally applicable to the claims depending therefrom.

In support of the §102(b) rejection, the Examiner stated, "Yates discloses every aspect and limitation in the claims." Applicants respectfully disagree, as one or more elements of the invention as claimed are not disclosed. Yates discloses and claims a cushion matrix having sacs or chambers filled with a gel. The cushion matrix is not an insulation blanket nor is the gel of the cushion matrix disclosed or claimed to be a batting block. Thus, contrary to the Examiner's statement that all elements of the invention as claimed are disclosed in Yates, the cited reference does not disclose batting blocks or a plurality of batting blocks. Applicants submit that the rejection based upon Yates is unsupported and should be withdrawn.

In support of the §102(b) rejection, the Examiner stated, "Ackley discloses every aspect and limitation in the claims." Applicants respectfully disagree, as one or more elements of the invention as claimed are not disclosed. Ackley discloses and claims an encapsulated foam pad having resilient foam elements in encapsulating pockets. The encapsulated foam pad is not an insulation blanket nor are the foam elements disclosed or claimed to be a batting block. Thus, contrary to the Examiner's statement that

all elements of the invention as claimed are disclosed in Ackley, the cited reference does not disclose batting blocks or a plurality of batting blocks. Applicants submit that the rejection based upon Yates is unsupported and should be withdrawn.

In support of the §102(b) rejection, the Examiner stated, "Poirier discloses every aspect and limitation in the claims." Applicants respectfully disagree, as one or more elements of the invention as claimed are not disclosed. Poirier discloses and claims a mattress comprised of a plurality of buoyant blocks. The mattress is not an insulation blanket nor are the buoyant blocks disclosed or claimed to be a batting block. Thus, contrary to the Examiner's statement that all elements of the invention as claimed are disclosed in Ackley, the cited reference does not disclose batting blocks or a plurality of batting blocks. Applicants submit that the rejection based upon Yates is unsupported and should be withdrawn.

Yates, Ackley and Poirier containing no disclosure teaching or suggesting that the gel, the foam elements or the buoyant blocks having any insulating properties.

Further, Yates, Ackley and Poirier do not disclose or claim any of the following limitations of the identified dependent claims of the present application: a retention system as in claims 3, 12 or 22, at least one mechanical fastener joining each batting block to at least one interior cover surface as in claim 4, attachment of each batting block to at least one interior cover surface as in claim 5, at least one heat sealed seam that is a foldable seam as in claims 7, 8 or 36, perforation of distal cover layer of the plurality of modules to allow the module to breath as in claim 9, a breather in the distal cover layer as in claim 10, a plurality of attachment means affixed to the exterior surface of the proximal cover layer as in claim 11, attachment means as in claims 13 and 14, noise dampers as in claim 23, noise dampers and retention system as in claim 24, perforating a cover layer to provide a breathing system as in claim 35, and providing creases to heat-sealed seams to form foldable heat-sealed seams as in claim 37. As none of these elements or limitation are disclosed by the cited references, the rejection of claims 3-5, 7-14, 22-24 and 35-36 based on the cited references is further unsupported and should be withdrawn.

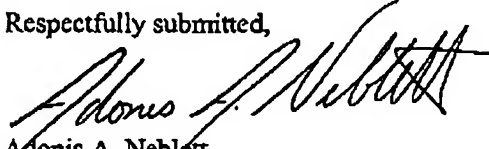
The Examiner rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Poirier in view of ordinary skill in the art. As acknowledged by the Examiner Poirier does not teach the sizing of the mattress of Poirier to fit an aircraft fuselage, or for that matter, to fit any structural component. Further, Poirier does not teach or disclose the use of the mattress for insulation applications. Although the general need for sizing of insulation blankets to fit an aircraft fuselage or other structural component may be known to one skilled in the art, there is no motivation for applying that knowledge to the nonanalogous art or field of mattresses, more specifically floating mattresses; and thus, the Examiner has not established a prima facie case of obviousness. As Poirier relates to floating mattresses, the reference is outside of Applicants' field of endeavor, insulation generally and aircraft insulation more specifically. One problem of concern to Applicants was providing a insulation blanket that would avoid pocketing when installed. Another problem was eliminating or minimizing the "rain-in-the-plane" phenomena. Additional problems included reducing significant labor, time and costs involved in installation and customizing of blankets and eliminating or minimizing exposure to batting fiber and associated deleterious health effects during sizing. Poirier is not reasonably related to any one of the above-mentioned or any other problems with which Applicants were concerned. Therefore, there is no basis for determining that one skilled in insulation arts would have considered Poirier when working on any one of the problems Applicants addressed. Applicants respectfully submit that prima facie obviousness has not been established and that the rejection based upon Poirier should be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306 on the date shown below.

December 16, 2004
Date


Joleen R. Krueger